

REMARKS

In the above-identified Office Action the Examiner has rejected claims 2 and 3 under 35 U.S.C. 112 as indefinite. The Examiner has objected to the use of the phrase "vertical direction" in Claim 2 and notes that there is no antecedent basis for oscillation in Claim 3. Applicant has corrected both of these matters and as such believes the claims now to be acceptable under 35 U.S.C. 112.

In addition, the Examiner has rejected claims 1-3, 5 and 6 as unpatentable over Jackson et al. in view of Mitsuhashi et al. Applicant has amended the claims to clear up what is apparently a misunderstanding of the terminology used therein. As amended, Claim 1 now recites that the retainer ring and chuck are moveable in a direction of the rotary drive shaft and in a direction perpendicular to the direction of the rotary drive shaft independently of each other. Thus, the retainer ring and chuck can move both vertically and horizontally with respect to the rotary drive shaft. Also, the retainer ring and the chuck maintain the gap size fluctuation so that the gap size fluctuates perpendicular to the direction of the rotary drive shaft. Thus the gap size gets larger and smaller during the polishing operation. Such features are not shown in either Jackson et al. or Mitsuhashi et al. More particularly, neither Jackson et al. nor Mitsuhashi et al. show a gap between the retaining ring and the chuck. Nor can the retainer ring and chuck of either Jackson et al. or Mitsuhashi et al. be moved both vertically and horizontally independently of each other as now claimed. With regard to the Examiner's comments, Applicant has amended Claim 1 so that it now more accurately refers to maintaining the fluctuation of the gap size that is perpendicular to the direction of the rotary drive shaft. Jackson et al. does not show such a gap that fluctuates in such a direction perpendicular to the direction of the rotary drive shaft.

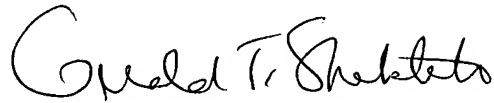
Claim 7 has been rejected as unpatentable over Jackson et al, in view of Mitsuhashi et al. and further in view of Kajiwara et al. Claim 7 contains all of the limitations of Claim 1, which has been explained above as allowable and, accordingly, Applicant believes that Claim 7 would also be allowable.

Applicant hereby requests reconsideration and reexamination thereof.

With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, she is respectfully requested to call the undersigned at the below listed number.

US 10/528,287

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" being more prominent than the last name "Shekleton".

Dated: 11 September 2008

Gerald T Shekleton

Reg. No. 27,466

Husch Blackwell Sanders Welsh & Katz

120 South Riverside Plaza, 22nd Floor

Chicago, Illinois 60606

Phone: (312) 655-1511

Fax: (312) 655-1501